

## STATUS OF THE CLAIMS

Claims 1-40 are pending in this application.

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Longley '646 or '445, Lim '683 or '311.

Claims 1-40 are presented for reconsideration.

## REMARKS

The Examiner asserts under 35 USC 102 that the invention as claimed in claims 1 to 10 is disclosed in Langley '646 or '445 and Lim '683 or '311. For the objection under 35 USC 102 to be made out, the applicant submits that it is necessary that each individual reference must disclose the claimed invention.

The invention as claimed in claim 1 essentially calls for a particulate composition in which a hydrophobic core is disposed within a semi-permeable membrane shell. The term semi-permeable is defined in the specification on page 7 lines 1 to 3 of the Application. Claim 10 is directed to a method for making the particles of claim 1.

Langley '646 describes a particle with a hydrophobic core which is located in a shell. However the shell is not a semi-permeable membrane as required in the invention. In column 10 lines 24-32 of '646 the shell is described as disintegrating or swelling on contact with water in order to release active ingredients. This is not the action of the semi-permeable membrane present in the invention (see specification on page 7 lines 1 to 3 of the Application). The disclosure of Langley '445 is similar, see particularly column 13 lines 14 to 27.

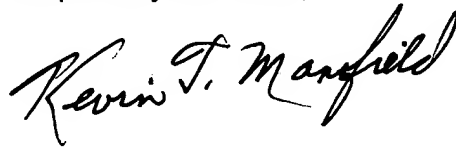
In both of the Lim references '683 and '311 particles are described which have a hydrophilic core. See for example Claim 1 of '683 and column 1 line 67 et seq of '311 which describes the encapsulation of a hydrophilic discontinuous phase (not a hydrophobic polymer as in the Applicants invention).

The Office Action only rejects claims 1 to 10. Claims 2 to 9 are dependent on claim 1. As explained above, Claim 1 is not disclosed in the cited references. Therefore applicant would submit that none of the dependent claims 2-9 is disclosed either.

Reconsideration and withdrawal of the rejection of claims 1-10 is respectfully solicited in light of the remarks *supra*.

Claims 11-40 were not specifically discussed and rejected or objected to in the Examiner's comments of March 12, 2003. Therefore, the applicant submits that claims 11-40 in their present form are allowable.

Respectfully submitted,

A handwritten signature in black ink that reads "Kevin T. Mansfield". The signature is written in a cursive, flowing style.

Ciba Specialty Chemicals Corporation  
540 White Plains Road  
Tarrytown, New York 10591  
(914) 785-7127  
KTM\

Kevin T. Mansfield  
Agent for Applicants  
Reg. No. 31,635

Enclosure: Petition for Extension of Time